



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

RECEIVED

APR 27 2022

COLE COUNTY  
SHERIFF'S OFFICE

|  |  |
|--|--|
| Judge or Division:<br>JOSEPH L. WALSH III  | Case Number: 22SL-CC02283  |
| Plaintiff/Petitioner:<br>ALMINA ZOLJ       | Plaintiff's/Petitioner's Attorney/Address<br>ZACHARY WILLIAM TOBIN<br>150 S BELLWOOD<br>EAST ALTON, IL 62024 |
| Defendant/Respondent:<br>STEAK N SHAKE INC | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105            |
| Nature of Suit:<br>CC Pers Injury-Other    |  |

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: STEAK N SHAKE INC

Alias: STEAK N SHAKE OPERATIONS INC

R/A CSC-LAWYERS INC SERV CO  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

22-APR-2022

Date

Further Information:  
AD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent

a person at least 18 years of age residing therein.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

CSC Lawyers, S.L. (name) designee

☐ other

Served at 350 E. High (address)

in Cole (County/City of St. Louis), MO, on 04-28-2022 (date) at 800AM (time).

Shreff John P Wheeler by Jo Anne Wang

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on (date).

My commission expires:

Date

Notary Public

(Seal)

FILED  
MAY 10 2022  
JOAN M. GILMER  
CIRCUIT CLERK ST. LOUIS COUNTY

DEFENDANT'S  
EXHIBIT

F



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AD

*Jean P. Delaney*  
Clerk

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\_\_\_\_\_ a person at least 18 years of age residing therein.

- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

- ☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

ALMINA ZOLJ,

Plaintiff,

v.

No. \_\_\_\_\_

STEAK 'N SHAKE, INC.

f.k.a. STEAK 'N SHAKE  
OPERATIONS, INC.

Defendant.

**Please Serve Summons on:**

CSC- Lawyers Incorporating  
Service Company  
221 Bolivar Street  
Jefferson City, MO 65101

**PETITION**

Comes now the Plaintiff, ALMINA ZOLJ, by and through her attorneys, PRATT & TOBIN, P.C., and for her cause of action against the Defendant, STEAK 'N SHAKE, INC., f.k.a. STEAK 'N SHAKE OPERATIONS INC., states as follows:

1. Plaintiff ALMINA ZOLJ, (hereinafter "PLAINTIFF") is a resident of St. Louis County, Missouri.

2. Defendant STEAK 'N SHAKE, INC., f.k.a. STEAK 'N SHAKE OPERATIONS INC. (hereinafter, DEFENDANT) is a Missouri business in good standing and authorized to do business in the state of Missouri that owns, maintains, and operates a restaurant located at 3226 Telegraph Road, St. Louis Missouri, 63125.

3. Venue is proper in the Circuit Court of the County of St. Louis pursuant to Missouri's general venue statute, Section 508.010 RSMo because Plaintiff's injuries occurred at 3226 Telegraph Road, St. Louis County, Missouri, 63125.

4. That on or about September 17, 2018, Defendant possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain, and control, both directly and indirectly, individually and through its agents, servants and employees, a certain sidewalk located at or around their premises at 3226 Telegraph Road, St. Louis County, Missouri, 63125.

5. That on or about September 17, 2018, Plaintiff was an invitee lawfully at the aforementioned time and place and prior thereto, the Defendant, well knowing its duties in this regard, carelessly and negligently caused and permitted said premises to become and remain in a dangerous condition for persons using said premises, although the Defendant, knew, or in the exercise of ordinary and reasonable care should have known, of said dangerous condition.

6. That at the aforesaid time and place, the Plaintiff, was lawfully traversing the sidewalk while present at or around 3226 Telegraph Road, St. Louis County, Missouri, 63125.

7. That the Defendant, was then and there guilty of one or more of the following careless and negligent and/or omissions:

- a. Improperly operated, managed, maintained and controlled the aforesaid premises; and/or
- b. Allowed and permitted a sidewalk to sink, crack and/or shift at disparate heights, and/or
- c. Failed to properly and adequately erect barriers along the stairway; and/or
- d. Failed to make a reasonable inspection of the aforesaid sidewalk, when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to the Plaintiff; and/or
- e. Failed to warn the Plaintiff of the dangerous condition of said sidewalk, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the Plaintiff; and/or

f. Failed to fix or repair the sidewalk.

8. That on the aforementioned date and as a result of the aforesaid acts and/or omissions of the Defendant, the Plaintiff, tripped over the dangerous sidewalk condition causing Plaintiff to fall and sustain injuries to her wrist, shoulder, knee, neck and back, and incur medical bills in excess of \$15,755.00, continue to incur medical bills in the future, as well as a loss of income causally related to her injuries.

9. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, the Plaintiff then and there sustained severe and permanent injuries, both externally and internally, and was, and will be hindered and prevented from attending to usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries and has sustained lost income and disability.

WHEREFORE, the Plaintiff, ALMINA ZOLJ, demands judgment against the Defendant, STEAK 'N SHAKE, INC., f.k.a. STEAK 'N SHAKE OPERATIONS, INC., in a sum in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and for costs of suit.

PRATT & TOBIN, P.C.

BY: /s/ Sean P. Barth  
SEAN BARTH - #57015  
ZACH TOBIN - #72170  
150 S. Bellwood Drive  
P. O. Box 179  
East Alton, IL 62024  
Telephone: (618)259-8011  
Facsimile: (618)259-6793  
E-mail: [lawoffice@prattandtobin.com](mailto:lawoffice@prattandtobin.com)  
ATTORNEYS FOR PLAINTIFF

**PLAINTIFF DEMANDS  
TRIAL BY JURY**



IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

ALMINA ZOLJ,

Plaintiff,

v.

STEAK 'N SHAKE, INC.  
f.k.a. STEAK 'N SHAKE  
OPERATIONS, INC.

Defendant.

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No. \_\_\_\_\_

ENTRY OF APPEARANCE

Comes now, SEAN P. BARTH, of Pratt & Tobin, P.C., and enters his appearance on behalf  
of Plaintiff, ALMINA ZOLJ, in the above-captioned matter.

Respectfully submitted, this 21<sup>st</sup> day of April 2022.

PRATT & TOBIN, P.C.

BY: /s/ Sean P. Barth

SEAN P. BARTH, #57015  
150 South Bellwood Drive  
P. O. Box 179  
East Alton, IL 62024  
Telephone: (618) 259-8011  
Facsimile: (618) 259-6793  
[lawoffice@prattandtobin.com](mailto:lawoffice@prattandtobin.com)  
[sbarth@prattandtobin.com](mailto:sbarth@prattandtobin.com)

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 21<sup>st</sup> day of April 2022, the attached document was served upon all counsel of record by filing true copies of same through CM/ECF Court Filing System.

/s/ Sean P. Barth

SEAN P. BARTH

I certify and attest that the above is a true copy of the original record of the Court in case number 22SL-CC-02283 as it appears on file in my office.

Issued

05-23-2022



**JOAN M. GILMER**, Circuit Clerk  
St. Louis County Circuit Court

By

Vernette Plais  
Deputy Clerk